

- Q5
- a) a proximal shaft section having a proximal end, a distal end and an inner lumen extending therein;
- b) a distal shaft section having a proximal end, a distal end, a port in the distal end, [and an] a second inner lumen extending therein in fluid communication with the inner lumen of the proximal shaft section and a third inner lumen extending parallel and at least partially coextensive with the second inner lumen within the distal shaft section and in fluid communication with the port in the distal end of the distal shaft section; and
- c) means to releasably connect the proximal end to the distal shaft section to the distal end of the proximal shaft section.

#### REMARKS


In the aforesaid Office Action the Examiner rejected claims 1, 4, 17, 18, 20, 22 and 23 under 35 U.S.C. §102 (b) as being anticipated by Groshong *et al.* Claims 1, 2, 4, 7, 8-11, 16-18, 22 and 24 were rejected under 35 U.S.C. §102 (b) as being anticipated by Polin. The Examiner has also rejected claims 19, 21 and 24 under 35 U.S.C. §103, as being unpatentable over Groshong *et al.* and claims 19-21 and 23 under 35 U.S.C. §103, as being unpatentable over Polin. The applicants note with appreciation the indication of allowable subject matter in claims 3, 5, 6 and 12.

In response the applicants have amended the claim 1 to require first and second lumens which are in fluid communication and a third lumen in the distal section which is parallel and coextensive with the second inner lumen and which extends to the port in the distal end. The prior art of Groshong *et al.* and Polin do not teach these combined features. With respect to the Groshong *et al.* reference, the Examiner must be considering assembly of sleeve 34 and catheter 10 as being a catheter and therefore it is unclear whether the sleeve 34 is part of the distal shaft section or the proximal shaft section of the catheter. Under the pending claims as amended above, the third inner lumen extends within the distal shaft section and this feature is not taught by the cited reference. With respect to Polin, it should be noted by the Examiner that the third inner lumen within the distal section, as defined by the amended claims, must be in fluid communication with the port in the distal end of the catheter, but in Polin the third inner lumen is not in communication with the distal port, but instead is in communication with the interior of the balloon 20. In the Office Action the Examiner indicated that it would be obvious to reverse the order of the connecting elements so that they correspond to the order claimed. However, to reverse the order of the connecting elements would preclude the devices of Groshong *et al.* and Polin from performing the functions described in these cited references. That being the case, there could be no suggestion to make the modifications suggested by the Examiner.

The applicants also wish to bring to the attention of the Examiner for consideration the reference listed on the attached PTO-1449. Copies of the cited references are enclosed along with a check for \$210 pursuant to 37 C.F.R. §1.97(c)(2). Both the Kensey *et al.* patent and the Hungerford *et al.* references are believed to be cumulative to previously cited references.

The applicants believe that the presently pending claims as amended above define patentable subject matter and respectfully request reconsideration and early allowance.

Respectfully submitted,



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Attachment: PTO-1449/references

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